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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,255	09/29/2003	Yuichi Iwase	09792909-5694	1727

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EXAMINER	
HON, SOW FUN	

ART UNIT	PAPER NUMBER
1794	

MAIL DATE	DELIVERY MODE
04/15/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/674,255	IWASE, YUICHI	
	Examiner	Art Unit	
	SOPHIE HON	1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 April 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,6,15 and 16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,6,15-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/06/09 has been entered.

Response to Amendment

Withdrawn Rejections

2. The 35 U.S.C. 103(a) rejection of claims 1-3, 6, 15 over Okazaki in view of Sekiguchi, Siwinski and Clock is withdrawn due to Applicant's amendment dated 04/06/09.

New Rejections

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

3. Claims 1-3, 6, 15-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Parent claim 1 recites the limitation of "the display panel is sealed of the flexible touch panel". It is unclear whether this means that the display panel is sealed by the flexible touch panel or that the display panel is sealed off from the flexible touch panel. For the purposes of examination, the limitation will be treated in light of the first interpretation. Correction is required.

New Rejections

Claim Rejections - 35 USC § 103

4. Claims 1-3, 6, 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siwinski (US 6,814,642) in view of Sekiguchi (US 6,771,327).

Regarding claims 1, 15, Siwinski teaches in Fig. 13, a display unit 100 (touch screen display, column 6, lines 48-50), comprising: a display panel (image display 52, column 6, lines 8-10) including a substrate 104 on which is formed a plurality of display devices (organic light emitters 58, column 6, lines 48-58, Red, Green, Blue, Fig. 13) as defined in Applicant's specification (light emitting devices 10R, 10G, 10B, Specification, page 14, first paragraph, Fig. 4A), and a protective film (transparent sheet 102, column 6, lines 60-65) formed on the substrate 104 and the plurality of display devices 58 for protecting the display devices 58 (Transparent sheet 102 is then sealed to the substrate

104, column 6, lines 60-65, Fig. 13, allows for encapsulation of the light emitting elements as quickly as possible, column 7, lines 5-10); and a touch panel which (a) is composed of flexible layers (flexible spacer layer 22, flexible upper circuit layer 26, flexible top protective film 28, column 6, lines 60-67), and (c) detects contact with a suitable contact element such as a finger or a pen thereon (a finger, a stylus, column 2, lines 1-5), wherein, each of the plurality of the display devices has an organic emitting layer and is made of organic electro luminescence material (organic light emitters 58, column 6, line 55, electro luminescent, column 7, lines 5-7), the protective film seals the organic emitting layer (Transparent sheet 102 is then sealed to the substrate 104, column 6, lines 60-65, Fig. 13, allows for encapsulation of the light emitting elements as quickly as possible, column 7, lines 5-10), and the display panel is sealed by the touch panel (Transparent sheet 102 is then sealed to the substrate 104, column 6, lines 60-65, the basic structure of the present invention, column 6, lines 23-25, where one face of the transparent sheet 102 is contained within the touch screen display 100, column 6, lines 30-35, Fig. 13). Siwinski fails to disclose that the touch panel is flexible wherein the layers are plastic films such that the lower layer 20 which contacts the protective film 102, is a plastic sheet (column 6, lines 60-65), or that the touch panel is directly bonded to a whole face of the display panel with an adhesive layer in between, such that the adhesive layer is in direct contact with both the protective sheet and lower one of the plastic films of the touch panel.

However, Siwinski teaches that (a) the layers of the touch panel can be made from plastic for the purpose of providing a flexible touch panel (column 1, lines 27-32)

and that (b) the touch panel is directly bonded to a face of the display panel (integrated touch screen - electroluminescent display device, column 7, lines 3-5, Fig. 13).

Sekiguchi teaches that a touch panel (a) can be composed of plastic films (lower substrate 26 of touch panel 3, made up of a polyethyl sulfonate film, column 9, lines 15-17, upper substrate 21 disposed opposite lower substrate 26, is a plastic substrate made up of a film, column 9, lines 42-44) for the purpose of providing the desired flexible touch panel, and that the flexible touch panel (b) is directly bonded to a whole face of the display panel (there exists no air between lower substrate 26 of the touch panel 3 and the first substrate 1 of the display panel 4, column 12, lines 20-25, Fig.4) with an adhesive layer in between (44, column 12, lines 20-25, Fig.4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have provided a flexible touch panel which (a) is composed of plastic films and (b) is directly bonded to a whole face of the display panel with an adhesive layer in between, as the touch panel composed of flexible layers, bonded to a face of the display panel, in the display unit of Siwinski, in order to (a) obtain the desired flexibility for the touch panel, and to (b) prevent reflection at the interface between the two panels, as taught by Sekiguchi.

As such, with the adhesive layer being in between the flexible touch panel composed of plastic films and the display panel in the display unit of Siwinski, as modified by Sekiguchi, the adhesive layer is now in direct contact with both the protective film and the lower plastic film of the flexible touch panel.

Regarding claim 2, Siwinski teaches that the touch panel is provided on a side where the display devices 58 (organic light emitters 58, column 6, lines 48-58, Red, Green, Blue, Fig. 13) as defined in Applicant's specification (light emitting devices 10R, 10G, 10B, Specification, page 14, first paragraph, Fig. 4A) of the substrate 104 are formed (column 6, lines 50-60, Fig. 13), and that the display devices 58 are sealed by the touch panel (one face of the transparent sheet 102 is contained within the touch screen display 100, column 6, lines 30-35, Transparent sheet 102 is then sealed to the substrate 104, column 6, lines 60-65, allows for encapsulation of the light emitting elements as quickly as possible, column 7, lines 5-10).

Regarding claim 3, Siwinski teaches that the touch panel has a structure that includes two circuit layers where the upper circuit layer 26 and the lower circuit layer 20 are layered so that the electrode circuits are placed opposite each other (column 6, lines 60-67, Fig. 13). Siwinski fails to disclose that the upper circuit layer 26 and the lower circuit layer 20 are two plastic sheet sheets in which respective transparent electrodes are formed.

However, Siwinski teaches that (a) the layers of the touch panel can be made from plastic for the purpose of providing a flexible touch panel (column 1, lines 27-32).

Sekiguchi teaches that a touch panel (a) can be composed of plastic films (lower substrate 26 of touch panel 3, made up of a polyethyl sulfonate film, column 9, lines 15-17, upper substrate 21 disposed opposite lower substrate 26, is a plastic substrate made up of a film, column 9, lines 42-44) in which respective transparent electrodes are formed, and are layered so that the transparent electrodes are placed opposite to each

other (lower electrodes 27 made up of a transparent and electrically conductive film, column 9, lines 15-20, upper electrodes 22 made up of a transparent and electrically conductive film, column 9, lines 40-50), for the purpose of providing the desired transparent flexible touch panel.

Therefore, since Siwinski is silent regarding the specifics of the circuit layers, it would have been necessary and hence obvious to have looked to the prior art for suitable ones. As such, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have used two plastic films, in which respective transparent electrodes are formed, layered so that the transparent electrodes are placed opposite each other, as the two circuit layers layered so that they are placed opposite each other, in the touch panel of Siwinski, in order to obtain the desired transparency and flexibility, as taught by Sekiguchi.

Regarding claim 6, Siwinski teaches that the organic layer includes a light emitting layer (organic light emitter 58, column 2, lines 65-66) between a first electrode (metal cathode layer 62, column 2, line 67), and a second electrode (voltage applied by a voltage source 64 across light emitting elements 52, via cable 67, column 2, line 67, column 3, lines 1-3, Fig. 5), and that the display device is an organic light emitting device (organic light emitter 58, column 2, lines 65-66) which extracts the lights generated in the light emitting layer from the second electrode side (voltage applied by a voltage source 64 across light emitting elements 52, via cable 67, column 2, line 67, column 3, lines 1-3, Fig. 5).

Regarding claim 16, Siwinski teaches that the protective film includes at least inorganic material (transparent sheet 102 is made of a transparent material such as glass, column 6, lines 35-40).

Response to Arguments

5. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication should be directed to Sow-Fun Hon whose telephone number (571)272-1492. The examiner can normally be reached Monday to Friday from 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Sample, can be reached on (571)272-1376. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Sophie Hon/

Sow-Fun Hon

Examiner, Art Unit 1794